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April 15, 2002

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APR 15 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA COURIER**

William F. Caton  
Office of the Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

**Re: CC Docket No. 94-102; Fifth Quarterly Report of Alpine PCS, Inc. and RFB Cellular, Inc. on TTY-Digital Deployment**

Dear Mr. Caton:

On behalf of Alpine PCS, Inc. ("Alpine") and RFB Cellular, Inc. ("RFB"), I am submitting this fifth quarterly report on the implementation of TTY access to digital wireless systems.

As noted in its fourth quarterly report, Alpine (directly and through affiliates) holds PCS licenses for markets in Michigan and California. In the Michigan markets, it uses Motorola CDMA infrastructure equipment; in California, it uses Lucent CDMA equipment. RFB holds cellular licenses for markets in Michigan and uses Motorola CDMA equipment. As a result, Alpine and RFB are dependent on the implementation of TTY solutions by Motorola and Lucent, including the costs, availability and other terms related to those solutions. Alpine and RFB have previously reported that once the TTY solutions of these equipment manufacturers are commercially available, Alpine and RFB will implement them in their networks.

In the Michigan markets, Alpine and RFB anticipate that they will meet the June 30, 2002 deadline for integration, testing and deployment of necessary hardware and software for TTY compatibility with digital wireless systems. Alpine has concerns, however, about meeting the June 30 deadline in its California markets.

There are several reasons for these concerns. First, according to the TTY status report filed on January 15, 2002 by Verizon Wireless, Verizon has encountered problems in the first

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William F. Caton  
April 15, 2002  
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office application testing of Lucent's equipment. (Specifically, Verizon notes that erratic performance with some handsets and equipment has made it difficult to test the network and yield reliable data.) Alpine is dependent on Lucent to devise solutions to problems such as these, and it is not clear at this time whether Lucent will have done so by the June 30 deadline.

In addition, as explained in the fourth quarterly report, it appears that Lucent's upgrades will cost around \$395,000, if not more. Even if Lucent were willing to make the upgrades available to Alpine, as discussed further below, this is a significant expense for a small rural carrier such as Alpine. This upgrade expense comes during the current unprecedented economic downturn, in which capital and financing are generally unavailable to small carriers. It also coincides with other costly mandates, such as CALEA compliance.

Alpine has assessed the Lucent software and hardware upgrades needed to meet the June 30 TTY deadline. The Lucent switch software required for compliance is version 5E16.1 or 5E15 plus BMW 1, 2 and 3. Alpine currently has the 5E13 version. Alpine has previously advised the Commission of an ongoing commercial dispute between Lucent and Alpine arising from Lucent's breach of an agreement to finance Alpine's switch and associated network equipment for its California PCS systems. (See, e.g., Alpine's petition for extension of the compliance date for CALEA Section 103 capabilities, which was filed March 29, 2002 and a copy of which is attached hereto.) Because of this dispute, Lucent has refused to sell (even for cash) any additional hardware or software to Alpine, including the software necessary for TTY compatibility. In addition, Lucent has frozen all technical and customer support to Alpine, even where Alpine has offered to pay for such support in immediate cash.

Alpine continues efforts to resolve the situation with Lucent; however, a mediation meeting during the CTIA convention in early April was unsuccessful. Given Alpine's concerns about the practical implications and financial impact of implementing the Commission's requirements, Alpine anticipates that it may need to seek a waiver of the Commission's June 30, 2002 deadline for its California markets.

Please contact the undersigned if you require any additional information.

Sincerely,



James F. Ireland

cc: Arthur L. Prest

By Hand Delivery:

Qualex International – Portals II – **Room CY-B402**

Kris Monteith, Chief, Policy Division, Wireless Telecommunications – **Room 3B-103**

William F. Caton

April 15, 2002

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Chief, Disabilities Rights Office, Consumer Information Bureau

By E-Mail:

mlittell@fcc.gov

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STAMP & RETURN

March 29, 2002

VIA COURIER

William F. Caton  
Acting Secretary  
Federal Communications Commission  
ATTN: CALEA 107(c)  
236 Massachusetts Avenue, N.E.  
Washington, D.C. 20002

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OFFICE OF THE SECRETARY

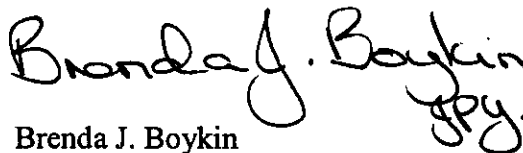
**Re: Petition for Extension of Alpine PCS, Inc.  
CALEA Section 107(c) Extension of Capability Requirements**

Dear Mr. Caton:

On behalf of Alpine PCS, Inc. (wireless carrier) (TRS Number Not Assigned), enclosed please find an original and two copies of Alpine, PCS, Inc.'s petition for extension of the compliance date for CALEA Section 103 capability requirements.

If you have any questions concerning this filing, please contact the undersigned.

Sincerely,

  
Brenda J. Boykin

Enclosure  
cc: Arthur L. Prest

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

APR 15 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:	)	
	)	
The Communications Assistance	)	Alpine PCS, Inc.
For Law Enforcement Act (CALEA),	)	TRS No.: Not Assigned
	)	
Section 107(c) Extension of Capability	)	WTB
Requirements	)	

**PETITION FOR EXTENSION OF ALPINE PCS, INC.**

Pursuant to Section 107(c) of the Communications Assistance for Law Enforcement Act ("CALEA"), 47 U.S.C. § 1006(c), Alpine PCS, Inc. ("Alpine") hereby seeks an extension of the compliance date for CALEA section 103 capability requirements as they apply to Alpine's personal communications services ("PCS") markets in California. Alpine previously sought and was granted an extension of the compliance date for its California systems until April of 2002. Because of a financial/business dispute, however, Alpine's equipment vendor has refused to provide hardware or software to Alpine, including the software and equipment necessary for compliance with Section 103 of CALEA. As a result, Alpine is requesting an extension of the compliance date until June 30, 2002 for its facilities in California.

**I. Background And Explanation Why Compliance Is Not Achievable Within The Compliance Period**

Alpine holds five broadband PCS licenses in California (Bakersfield, Station KNLG354; Fresno, Station WPJ687; Salinas-Monterey, Station KNLG359; San Luis Obispo, Station KNLF333; and Santa Barbara-Santa Maria, Station KNLF334). Alpine has selected Lucent Technologies as its equipment vendor for these markets. Because of business and financial disagreements between Lucent and Alpine, Lucent has not been willing to provide equipment to

Alpine, including the hardware and software required for compliance with Section 103 of the CALEA requirements. In addition, Lucent has frozen all technical and customer support to Alpine.

Alpine initially requested an extension of the Section 103 compliance date for its California systems until April, 2002 because Lucent was not providing sufficient information about either the availability of CALEA-compliant upgrades or the installation and integration of these upgrades into Alpine's systems. Alpine noted in its earlier petition that it had received a copy of a Lucent "General Availability Announcement" dated March 9, 2001 indicating that Lucent's CALEA equipment and software were generally available. However, when Alpine inquired about prices, shipping dates and ordering instructions, Lucent representatives were unable or unwilling to provide any information. A copy of the FCC's letter granting Alpine's petition for extension is attached hereto as Attachment A.

On September 19, 2001, Robert F. Broz, President and CEO of Alpine, sent a letter to Lucent offering to purchase the CALEA equipment for cash per an April 5, 2001 quote from Lucent. A copy of this letter is attached hereto as Attachment B. Lucent never formally responded to Alpine's letter. As a result, Alpine still does not know when Lucent will make CALEA-compliant upgrades available to it. Once those upgrades are available, Alpine will need additional time to install, test and integrate them into its California systems.


CALEA permits a carrier to seek, and the FCC to grant, an extension of the compliance date "if the Commission determines that compliance with the assistance capability requirements . . . is not reasonably achievable through application of technology available within the compliance period." 47 U.S.C. § 1006(c). Because of Lucent's refusal to provide CALEA-compliant upgrades or even to respond to Alpine's offer to buy those upgrades for cash, the technology Alpine needs to meet the requirements of Section 103 will not be available to it by April of 2002.

Alpine is committed to making its PCS systems CALEA-compliant as soon as possible and is applying its best efforts to obtain the needed upgrades from Lucent. Alpine requests an extension of the compliance date until June 30, 2002 so that it can continue to attempt to resolve the business and financial disputes with Lucent, obtain the CALEA upgrades it needs from Lucent and install and integrate them into its California systems. Alpine also is participating in the FBI's Flexible Deployment Program and recently received a letter from the FBI supporting an extension of the compliance deadline for Alpine's California facilities until June 30, 2002. A copy of that letter is attached hereto as Attachment C. FBI representatives have indicated that they currently are supporting extensions only until June 30 but plan to evaluate the need for additional extensions in April. Alpine will continue to work with the FBI and may file a request for an additional extension at that time.

## **II. Contact Information**

Alpine has designated the undersigned (Arthur L. Prest) as the corporate officer authorized to discuss CALEA-related matters with the Commission. My address is 10234 Democracy Blvd., Potomac, MD 20854. My telephone number is (301) 983-3072, and my facsimile number is (301) 983-6577. My e-mail address is prest@prest.biz.

Respectfully submitted,

  
\_\_\_\_\_  
Arthur L. Prest  
Chief Technical Officer and Vice President

**For: ALPINE PCS, INC.**

Date: March 29, 2002

# ATTACHMENT A





Federal Communications Commission  
Washington, D.C. 20554

October 3, 2001

Arthur L. Prest  
Alpine PCS, Inc.  
10234 Democracy Blvd.  
Potomac, MD 20854

Re: CALEA Extension Petition  
Alpine PCS, Inc.  
TRS No. N/A; CID No. 570

Dear Carrier:

This letter is in reference to your petition under section 107(c) of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. § 1006(c), for an extension of the June 30, 2000, deadline for complying with the assistance capability requirements under section 103(a) of CALEA, 47 U.S.C. § 1002(a).

Upon consideration of the information you submitted with your petition, and following consultation with the CALEA Implementation Section of the U.S. Department of Justice, Federal Bureau of Investigation, the Wireless Telecommunications Bureau (Bureau) finds that your compliance with the assistance capability requirements under section 103 of CALEA is not reasonably achievable through application of technology available within the compliance period. Accordingly, the Bureau, acting pursuant to delegated authority, hereby grants your petition to the following extent:

1. This extension covers only the equipment, facilities and services specifically listed in the attached Flexible Deployment template, as reviewed and approved by the CALEA Implementation Section. If you have other equipment, facilities or services subject to CALEA, they are not covered by this extension and must comply with section 103(a) of CALEA.
2. With respect to the equipment, facilities and services listed in the attached Flexible Deployment template, this action extends your deadline for complying with section 103(a) of CALEA until the dates reflected in your attached deployment schedule. If you are not in compliance with section 103(a) of CALEA by then, you must either submit a petition for a further extension or be subject to penalties for noncompliance.

If you have any questions about this extension, please call Susan Kimmel at 202-418-1679.

Sincerely yours,

*Kris Monteith by SKK*

Kris Monteith, Chief  
Policy Division  
Wireless Telecommunications Bureau

Attachment

cc: Brenda J. Boykin  
Cole, Raywid & Braverman, L.L.P.



**U.S. Department of Justice**

**Federal Bureau of Investigation**

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*CALEA Implementation Section  
14800 Conference Center Drive, Suite 300  
Chantilly, VA 20151*

March 28, 2001

Athur L. Prest  
Alpine PCS  
10234 Democracy Blvd.  
Potomac, MD 20854

FCC TRS #  
Carrier ID #570

Dear Carrier:

The CALEA Implementation Section of the FBI is pleased to inform you that it supports an extension for Alpine PCS as long as the petition filed with the Federal Communications Commission (FCC) reflects the attached deployment schedule. A copy of this letter and the agreed upon deployment schedule should be submitted to the FCC along with Alpine PCS' section 107(c) petition for extension of the June 30, 2000 compliance date.

In the event that unforeseen circumstances do not allow Alpine PCS to deploy CALEA-compliant solutions according to the attached schedule, Alpine PCS should notify the FBI and the FCC as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Fogle", is written over the typed name.

Chuck Fogle  
Program Manager  
Flexible Deployment Program

# FLEXIBLE DEPLAEMENT SCHEDULE

OMB Control Number: 1110-0030  
Expiration date: June 30, 2000

Carrier Name: Alpha PCS  
Carrier ID #: 0570  
FCC TRS #: N/A  
Contact: Arthur L. Presl  
Address: 10234 Democracy Blvd  
City, State, Zip: Polomac, MD 20854  
Phone: (301) 983-3072

Switch Specific Information				Previous -1 n-2		Previous n-1		Current n		Next n+1		Next + 1 n+2		Interceptions			
Host and/or Standalone CLI Code or other Unique Identifier	Switch or Equipment Location	County or Wireless Service Area Served	Switch Type	Generic	Date Deployed	Generic	Date Deployed	Generic	Date Deployed	Generic	Date to be Deployed	Generic	Date to be Deployed	1996	1997	1998	1999
SNLOCAABCM0	SAN LUIS OBISPO, CA	BTA 387, BTA 405, BTA 408	LUCENT 5ESS WIRELESS					6E14	09/01					0	0	0	0
	SAN LUIS OBISPO, CA	BTA 387, BTA 405, BTA 408	INTEGRATED HLR											0	0	0	0
	SAN LUIS OBISPO, CA	BTA 387, BTA 405, BTA 408	LUCENT TECHNOLOGIES DELIVERY UNIT							LTDU 1.0	4/02			0	0	0	0

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FAX NO. 703814720710

P. 4

# **ATTACHMENT B**

September 19, 2001

Mr. Ben A. Bratcher  
Assistant Vice President  
Lucent Technologies, Inc.  
Suite 900  
4851 LBJ Freeway  
Dallas, TX 75244

Dear Ben:

This letter serves as a formal order for the equipment needed to support law enforcement's efforts as defined by CALEA and included in Lucent's April 5, 2001 Budgetary Quote. Alpine will pay cash for this equipment and the support required from Lucent to fully implement this capability on all of the equipment that we have purchased from you.

Attached is a copy of the April 5, 2001 Budgetary Quote for "C.A.L.E.A./L.T.D.U. Equipment" that will allow us to support the FBI and other law enforcement agencies in their efforts to prevent future atrocities. We would also like an update on Lucent's "Punch List" capabilities (with required software releases) including plans for packet mode intercepts as well as updated purchase information as a result of inclusion of the "Punch List" items. We believe that we might also need additional software and hardware upgrades (e.g., 5E15?; ECP R17.0?; LTDU R2.0?) in order to support the CALEA equipment and requirements. Please provide us with information as to these needs and a schedule for delivery and installation. We believe that some of these upgrades were part of what we have already paid for but have yet to be implemented. We will need Lucent's help in determining what we have and what we need as well as help in commissioning our switch.

Alpine PCS has a CALEA extension until April 30, 2002, however we believe that we need to do our part to support the country's expanded surveillance activities. We realize that we have yet to settle our financial differences, but we need to set that aside for now and do what we need to do help ensure our nation's security.

Sincerely,

Robert F. Broz  
President and CEO  
Alpine PCS, Inc.

# **ATTACHMENT C**



**U.S. Department of Justice**

**Federal Bureau of Investigation**

---

*CALEA Implementation Section  
14800 Conference Center Drive, Suite 300  
Chantilly, VA 20151*

March 5, 2002

Athur L. Prest  
Alpine PCS  
10234 Democracy Blvd.  
Potomac, MD 20854

FCC TRS #  
Carrier ID #570

Dear Carrier:

The CALEA Implementation Section of the FBI is pleased to inform you that based on the information provided in accordance with the Flexible Deployment Assistance Guide, the FBI supports a two-year extension of the June 30, 2000 compliance date for Alpine PCS under section 107(c) of CALEA. Please note that the FBI is only supporting an extension until June 30, 2002.

A copy of this letter should be submitted to the Federal Communications Commission (FCC) along with Alpine PCS' section 107(c) petition for extension of the June 30, 2000 compliance date, or in reference to such petition filed at the FCC.

Sincerely,

Chuck Edgle  
Program Manager  
Flexible Deployment Program

# FLEXIBLE DEPLOYMENT SCHEDULE

OMB Control Number: 1110-0030  
Expiration date: June 30, 2000

Carrier Name Alpine PCS  
Carrier ID # 0570  
FCC TRS # N/A  
Contact Arthur L. Presi  
Address 10234 Democracy Blvd.  
City, State, Zip Potomac, MD 20854  
Phone (301) 983-3072

Switch Specific Information				Previous -1 n-2		Previous n-1		Current n		Next n+1		Next + 1 n+2		Interceptions			
Host and/or Standalone CLI Code or other Unique Identifier	Switch or Equipment Location	County or Wireless Service Area Served	Switch Type	Generic	Date Deployed	Generic	Date Deployed	Generic	Date Deployed	Generic	Date to be Deployed	Generic	Date to be Deployed	1996	1997	1998	1999
SNLOCAABCM0	SAN LUIS OBISPO, CA	BTA 397, BTA 405, BTA 406	LUCENT 5ESS WIRELESS					5E13	1/01	NONE PLANNED				0	0	0	0
			INTEGRATED HLR														
			LUCENT TECHNOLOGIES DELIVERY UNIT							LTDU 1.0	4/03						